IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
(Special Original Jurisdiction)

THURSDAY, THE TWENTY EIGHTH DAY OF FEBRUARY
TWO THOUSAND AND EIGHT

PRESENT
THE HON'BLE MR JUSTICE V.ESWARAIAH

WRIT PETITION No.4039 of 2008

Between:

1 Nalimela Chandar, S/o. Narsaiah,
R/O. H.NO. 4-38/2, Errabelli Village, Bheemdevarapally Mandal, Karimnagar District.
2 Nalimela Narender, S/o. Laxminarayana,
R/O. H.NO. 4-38/2, Errabelli Village, Bheemdevarapally Mandal, Karimnagar District.
3 Bachu Narsamma, W/o. Shankaraiah,
R/O. H.NO. 4-38/2, Errabelli Village, Bheemdevarapally Mandal, Karimnagar District.
4 Bukya Pulya, S/o. Rajya,
R/O. H.NO. 4-38/2, Errabelli Village, Bheemdevarapally Mandal, Karimnagar District.
5 Bukya Mogili, S/o. Rajya,
R/O. H.NO. 4-38/2, Errabelli Village, Bheemdevarapally Mandal, Karimnagar District.
6 Bukya Rajan, S/o. Rajya,
R/O. H.NO. 4-38/2, Errabelli Village, Bheemdevarapally Mandal, Karimnagar District.
7 Renagattu Mallu, S/o. Venkatram Narsaiah,
R/O. H.NO. 4-38/2, Errabelli Village, Bheemdevarapally Mandal, Karimnagar District.
8 Maloth Rajamopuli, S/o. Sheela,
R/O. H.NO. 4-38/2, Errabelli Village, Bheemdevarapally Mandal, Karimnagar District.
9 Maloth Rangaram, S/o. Lakya,
R/O. H.NO. 4-38/2, Errabelli Village, Bheemdevarapally Mandal, Karimnagar District.

..... PETITIONERS

AND

1 The District Collector, Karimnagar District.
2 The Revenue Divisional Officer, Karimnagar.
3 The Mandal Revenue Officer, Bheemdevarpalli Mandal, Karimnagar District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to to issue Writ Order or Direction more particularly one in the nature of WRIT OF CERTIORARI, and after calling for the records from the 2nd respondent, quash the proceedings No. L/1360/2005 dt. 1-3-2006 received by the petitioners on 18-2-2008 in so far as it relates to the petitioners are concerned and consequently direct the respondents not to dispossess the Petitioners from the assigned land in Plot No. 332, Sy.No. 332 of Errabelly Village, Bheemdevarpally Mandal, Karimnagar District, allotted by the 3rd respondent vide order D.Dis.NO. B/1885/93 dt. 4/1998, to an extent of Ac. 10-00 Gts., each.

Counsel for the Petitioners:MR.V.VISWANATHAM

Counsel for the Respondents: GP FOR REVENUE

The Court made the following :

THE HON'BLE MR JUSTICE V.ESWARAIAH

WRIT PETITION No.4039 of 2008

ORDER:

It is the case of the petitioners that they have been assigned various extents of ceiling surplus lands vide D-Form pattas in the year 1998-99 and they have been cultivating the said lands and they have not violated any terms and conditions of D-Form pattas or the provisions of A.P.Assigned Lands (Prohibition of Transfers) Act, 1977. While so, when the petitioners came to know about passing of the impugned order, without issuing any notice and without giving any reasonable opportunity, they applied for furnishing copy of the impugned order before the 2nd respondent. Accordingly, the 2nd respondent furnished copy of the impugned order, dated 01-03-2006, on 18-02-2008, stating that the lands in question have been resumed on the ground that the assignees have not cultivated the said lands and they have violated the terms and conditions of D-Form pattas.

Learned Government Pleader for Revenue appearing for the respondents submits that admittedly an appeal lies against the impugned order before the Joint Collector, Karimnagar.

Having regard to the facts and circumstances of the case, without expressing any opinion as to whether any show-cause notice was served on the petitioners before passing the impugned order and whether any explanation has been filed by the petitioners, as the impugned order is an appealable order, the writ petition is disposed of permitting the petitioners to file an appeal against the impugned order passed by the 2nd respondent in proceedings No.L/1360/2005, dated 01-03-2006, within ten days from today. If any such appeal is filed within ten days from today, status-quo obtaining as on today. with regard to possession of the lands, which have been assigned

in favour of the petitioners, shall be maintained, pending disposal of the appeal. There shall be no order as to costs.

28-02-2008

Note:
Issue C.C. by tomorrow
(B/o)
Prv

..... REGISTRAR

// TRUE COPY //

SECTION OFFICER

To
1.2CCs to
2.2CD copies

*Form-NIC-OGS/WP{**SPJS**}*